Supreme Court, U. S.
FILED
AUG 5 1977
MICHAEL RODAK, JR., CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1976

No. 77-202

IN THE MATTER OF

JOSEPH M. KADANS

ON APPEAL FROM THE SUPREME COURT
OF THE STATE OF NEVADA. (No. 8738)

JURISDICTIONAL STATEMENT

Joseph M. Kadans
3419 Thom Blvd.
Las Vegas, Nev. 89106
Appellant in pro se

BEST COPY AVAILABLE

INDEX

	Page
Opinions below	2
Jurisdiction	2
Statutes Involved	4
Questions Presented	6
STATEMENT OF THE CASE	
I The Questions Are Substantial...	6
A. The Issues as Defined by the Proceedings in the Nevada Supreme Court	6
B. The Legal and Factual Importance of the Constitutional Issues	11
Relief Requested	15

TABLE OF AUTHORITIES

Page

STATUTES:

Constitution of the United States
Preamble 4
Article 1, Section 8, Clause 1..... 4
Article IV, Section 1..... 4
Amendment IV, Section 1..... 4

Federal laws
Title 15, United States Code,
Commerce and Trade, Sec. 2..... 5

Title 28, United States Code,
Judiciary and Judicial Procedure,
Section 1257..... 5

Title 42, United States Code,
The Public Health and Welfare,
Section 1983..... 5

Cases
Bates v. State Bar of Arizona,
433 U.S. ___ (1977)..... 4
Edwards v. California,
314 U.S. 160 (1940)..... 14
Goldfarb v. Virginia State Bar,
421 U.S. 773 (1974).....12,15
Hackin v. Lockwood,
361 F 2d 499, reh. den.; cert. den.
385 U.S. 960..... 4
Konigsberg v. State Bar,
353 U.S. 252 (1957)..... 4
Lockwood, In re
154 U.S. 116 (1894)..... 4

TABLE OF AUTHORITIES - CONTINUED

Page

Parker v. Brown,
317 U.S. 341 (1943)..... 12
Rosenthal v. State Bar,
116 Conn. 409, 166 A 211, 87 ALR 991
(1933) 4
Schecter Poultry Corp. v. U.S.
295 U.S. 495, 55 S.Ct. 837 (1935).... 4
Summers, In re
352 U.S. 561 (1945)..... 4
Willner v. Committee,
373 U.S. 96 (1963)..... 4
Yick Wo v. Hopkins, 118 U.S. 356 (1889)
..... 4

Nevada Statutes
Supreme Court Rule 51(4)..... 2, 3,
6, 11, 15

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1976

NO.

IN THE MATTER OF

JOSEPH M. KADANS

ON APPEAL
FROM THE SUPREME COURT OF THE STATE
OF NEVADA
(No. 8738)

JURISDICTIONAL STATEMENT

An attorney with approximately nineteen years of law practice, law teaching and law writing and in good standing as a lawyer in the States of Maryland and Michigan, with no record of any disciplinary action against him, after repeatedly seeking admission to the Nevada Bar Examination, filed a Petition in the Court below seeking to be admitted to the Nevada Bar Examination so that he would be allowed to earn a livelihood in his profession.

The Nevada Supreme Court denied the Petition and denied the Motion for Rehearing.

OPINIONS BELOW

The opinion of the court below is printed in the Appendix. (A1-7). The order denying rehearing is also in the Appendix. (A-7-8)

JURISDICTION

Nature of the Appeal:

This action challenges the existence of a Nevada Supreme Court rule 51(4) as unfairly depriving Appellant of the right to continue with his practice of law, commenced by him in 1943 after being duly admitted to the Maryland Bar upon passing the Maryland Bar Examination.

Previous to entering the practice of law, Appellant was a Safety Inspector and Special Agent for the U. S. Bureau of Motor Carriers of the Interstate Commerce Commission. Appellant served with the U.S. Government from 1932 to 1944, when he resigned to practice law. He was admitted to the Maryland Bar in 1943 and to the U. S. Supreme Court Bar in 1946. After practicing in Maryland for approximately seven years, he moved to Michigan and was admitted to the Michigan Bar on Motion in 1952. He moved to Nevada in 1962 and has made several efforts to be admitted to the Nevada Bar examination, without success. Appellant had never been reprimanded or disciplined by any Bar.

Appellant claims that he has been denied due process of law and equal protection of the law, guaranteed to him by the 14th Amendment of the United States Constitution.

Appellant also claims that Nevada Supreme Court Rule 51(4) should be declared void and unconstitutional because it is anticompetitive in nature, intended to protect members of the Bar from the competition of lawyers moving to Nevada from other States, thereby maintaining higher prices for legal services, depriving individuals of their choice of legal counsel and otherwise engaged in exploitation of the citizens of Nevada as well as denying to Appellant his civil rights under color of State law.

Appellant also believes that the aforesaid Nevada Supreme Court Rule 51(4) is void and unconstitutional because it unlawfully delegates to an unincorporated association of individuals the duty of establishment of a list of approved law schools, graduation from which schools being established by the Supreme Court in its rule 51(4) as a prerequisite for admission to the Nevada Bar examination.

JURISDICTION OF THE COURT:

Inasmuch as there is being challenged the validity of a statute (the Supreme Court Rule being equivalent to a statute) of a State on the ground of repugnancy to the Federal Constitution and the decision of the lower court being in favor of its validity, there is clearly jurisdiction in this court to take jurisdiction. Cases sustaining this jurisdiction are:

Lothrop v. Donohue, 367 U.S. 820 (1961)
Goldfarb v. Virginia State Bar, 421 U.S. 773, 95 S.Ct. 2004 (1975)
Schware v. Board of Bar Examiners, 353 U.S. 232, 77 S.Ct. 752 (1957)

BEST COPY AVAILABLE

Yick Wo v. Hopkins, 118 U.S. 356 (1886)
Bates v. State Bar of Arizona, 433 U.S. ___ 1977
Schecter Poultry Corp. v. U.S. 295 U.S. 495, 55 S.Ct. 837 (1935)
Konigsberg v. State Bar, 353 U.S. 252 (1957)
Willner v. Committee, 373 U.S. 96 (1963)
In re Summers, 352 U.S. 561 (1945)
Rosenthal v. State Bar, 116 Conn. 409, 166 A 211 87 A.L.R. 991 (1933)
In re Lockwood, 154 U.S. 116 (1894)
Hackin v. Lockwood, 361 F 2d 499, reh. denied, cert. den, 385 U.S. 960.

STATUTES INVOLVED

Constitution of the United States:

Preamble.
" *** promote the general welfare ***."

Article 1, Section 8, Clause 1
The Congress shall have power to *** provide for the *** general welfare of the United States.

Article IV, Section 1.
Full faith and credit shall be given in each State to the public Acts, Records, and judicial proceedings of every other State.

Article XIV of Amendments, Section 1
No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Title 28 of United States Code, Judiciary and Judicial Procedure, Section 1257:

Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court as follows:

(2) By appeal, where is drawn in question the validity of a statute of any state on the ground of its being repugnant to the Constitution, treaties or laws of the United States, and the decision is in favor of its validity.

Title 15 of United States Code, Commerce and Trade, Section 2.

Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine not exceeding fifty thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Title 42 of United States Code, The Public Health and Welfare, Section 1983.

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall

be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

QUESTIONS PRESENTED BY THE APPEAL

1. Does this Court have jurisdiction to review this appeal from the decisions of the Supreme Court of Nevada?

2. Is a rule of the Nevada Supreme Court requiring applicants for the Nevada Bar to be graduates of ABA-approved law schools equivalent to a statute of the State of Nevada for the purpose of jurisdiction of this Court under Title 28, U.S.C. 1257(2)?

3. Is the aforesaid Supreme Court Rule contrary to the U. S. Constitution in that it unfairly and unconstitutionally deprives Appellant from earning his livelihood in his profession, thereby depriving him of due process of the law and equal protection of the law?

4. Is the aforesaid Supreme Court Rule unconstitutional in that it is anti-competitive and tends to form a monopoly to maintain high prices?

STATEMENT OF THE CASE

I
The Questions are Substantial

A. The Issues as Defined by the Proceedings in the Nevada Supreme Court.

Petitioner in the court below was invited to file a petition with the Supreme Court of Nevada requesting waiver of S. C. R. 51(4)(A11).

The letter of invitation stated that the petition would be referred to the Board of Bar Examiners for a full inquiry and report to determine whether or not S. C. R. 51(4) "operates unfairly in your case." Petitioner below was told that in the event of an adverse report by the Board an opportunity would be afforded to petitioner "for argument to this Court regarding disputed legal and evidentiary matters, and regarding the Board's ultimate recommendation." (A12)

The Board made an adverse recommendation but the Nevada Supreme Court, despite its letter from the Chief Justice, declined to allow an opportunity for argument before the Court.

Despite the finding of the Board, as contained in the Record, that petitioner below "is suitably prepared academically for the practice of law" (Report of State Board of Bar Examiners, page 7), the Board reported to the Nevada Supreme Court "the Board feels that any waiver of the rule would create equal protection problems and in fact petitioner himself has claimed a denial of equal protection because of the waiver some years ago of the rule to permit a graduate of Cambridge University to take the examination." (From Report of State Board, page 8)

It is therefore clear that both the Board and the Nevada Supreme Court, in fear of criticism for past exceptions to the Supreme Court Rule (51(4), have denied an exception to the petitioner below and Appellant herein in order to avoid further criticism.

In order that this Statement of the Case may be clear with regard to the substantiality of the constitutional questions presented, there is included in the Appendix herein a copy of the Order of the Nevada Supreme Court allowing an individual who never graduated from any United States law school whatsoever to be admitted to practice law in Nevada. (A13).

In the aforementioned case described in the preceding paragraph, the State Bar of Nevada, had originally opposed the admission of the law student from England by stating to the Nevada Supreme Court that "the petitioner herein (that he) had not practiced law in England, nor any place else, and in fact, lacked three years clerkship and the passing of a final examination before even becoming eligible to practice in England." (Quotation from Points and Authorities in support of Motion to Dismiss the Petition of Mr. Burleigh, filed with the Nevada Supreme Court on March 23, 1972.)

By Order filed December 19, 1966, in the case of Clarence A. Nelson, Jr., Petitioner vs. State of Nevada Bar Association, the Nevada Supreme Court admitted Mr. Nelson "as a member of the State Bar of Nevada" although Mr. Nelson was a graduate of a law school that "was not an accredited law school by the American Bar Association." (Quotations from Order of the Nevada Supreme Court.)

The foregoing two instances (Burleigh and Nelson) have not been reported in the official case reports. There may be a number of other cases of admission of lawyers who have never graduated from a law school accredited by the American Bar Association but the Clerk of the Nevada Supreme Court has declined to furnish a list of all lawyers admitted to the Nevada Bar.

The complete record will show that Appellant in the case at bar has been seeking admission to the Nevada Bar Examination since 1963 but has been denied admission to the bar examination solely because of not having graduated from a law school approved by the American Bar Association. Appellant did graduate from a law school approved by the State of Maryland, from which he graduated in 1943 after passing the Maryland Bar Examination in that year. Appellant resigned from U. S. Government service and entered the full time practice of law in Maryland on December 1, 1944. He was later admitted to the Michigan Bar on motion in January 1952. When he moved to Nevada in March, 1962, he was denied admission to the Nevada bar examination and has been seeking admission to such examination since that time.

While in Nevada seeking admission to the Nevada Bar Examination, Appellant qualified to teach in the public schools in Nevada under State law by taking graduate and undergraduate classes in Education at the University of Nevada, Las Vegas and at Northern Arizona University, Flagstaff. Appellant taught in the Nevada public school system for two years and then, following the death of his wife due to cancer and becoming convinced that the answer to cancer was for people to cease the use of tobacco, drugs, alcohol, food laden with preservatives and even coffee, due to the caffeine content, enlarged the

program of a church-oriented school, now known as Bernadean University, named after his late wife, to include courses of study in natural foods and use of safe herbs instead of drugs.

The Opinion of the Nevada Supreme Court refers to the activities of Appellant relative to his writings on health and health-teaching activities in a derogatory manner (A3-A5) basing its opinion upon the denial of a license to operate in Nevada by the Nevada Commission on Postsecondary Institutional Authorization. Inasmuch as the charges of financial instability, insufficient school facilities and personnel and other alleged deficiencies have been alleged by Appellant (who is President of Bernadean University) to be untrue and the denial of the license has been appealed and it is still under appellate consideration, it is most surprising that the Nevada Supreme Court has undertaken to publicly comment on a pending case by relying upon the denied charges as true. The matter of the appeal from the denial of the school license is now pending before the Nevada Supreme Court as Case No. 9688 and is tentatively set for argument some time in 1978. Contrary to customary judicial practice, the Nevada Supreme Court has commented publicly on a case pending before it by, in effect, ruling in advance, prior to hearing the evidence, that a case before it will be decided in favor of the licensing State commission.

The foregoing reference indicates that the Nevada Supreme Court, contrary to the 14th Amendment to the United States Constitution, has denied due process of law to Appellant. This is in addition to denial of equal protection of the law to which Appellant is entitled.

The continued steadfast adherence of the Nevada Supreme Court over the years to the rule that applicants seeking to practice law in Nevada must be graduates of law schools approved by the American Bar Association is a manifestation of an anticompetitive activity contrary to Title 15 of the United States Code relating to monopoly and the welfare clause of the United States Constitution.

In addition, despite the plain command of the Nevada legislature to admit qualified persons to the practice of law, the Supreme Court, acting in combination with the State Bar of Nevada, has established stringent regulations that have the effect of restricting competition.

Further, they have, without authority of the legislature, delegated the authority to make rules for determination of competent law schools by passage of a rule that only those law schools approved by the American Bar Association are acceptable law schools. The legislature established no standards for the determination as to which are acceptable law schools nor did the Nevada Supreme Court establish any standards.

B. THE LEGAL AND FACTUAL IMPORTANCE OF THE CONSTITUTIONAL ISSUES.

Aside from the constitutional issues of due process and equal protection of the laws, there are two novel, perhaps unique, constitutional problems raised by these proceedings. First, there is the matter of unlawful delegation of authority without proper standards and second, there is the matter of alleged anticompetitive activities on the part of the Nevada Supreme Court, acting merely as an instrumentality for

the members of the State Bar of Nevada in protecting them from competition. It may be said that the voice is the voice of the Supreme Court but that the hand is the hand of the practicing lawyer.

In Goldfarb v. Virginia State Bar, 421 U.S. 773 (1974), it was held that the antitrust laws were applicable to the legal profession. In Nevada, the history of the legal profession of this State indicates a firm and constant practice of the Nevada Supreme Court not making any changes in the rules of admission with regard to attorneys from sister states without a recommendation from the State Bar of Nevada. This constitutes, essentially, a private anti-competitive activity and it cannot therefore be claimed to be beyond the Sherman Act's reach.

It was pointed out in the Goldfarb Case, supra that the legal profession, although classed as a "learned profession" was not exempt from the Sherman Act.

It is likewise clear that the activities of the Nevada Bar are not "state action" within the meaning of Parker v. Brown, 317 U.S. 341 (1943) so as to be exempt from the Sherman Act. The comment of the Court in Goldfarb is especially appropriate to this question:

> "The fact that the State Bar is a state agency for some limited purposes does not create an antitrust shield that allows it to foster anticompetitive practices for the benefit of its members."

There is no diminution of the authority of the State to regulate its professions by requiring

the State bars to forsake traditional principles of monopoly by limiting entry of other lawyers into the state under clearly transparent pretexts or excuses for reducing competition.

For example, in the case at bar, the Appellant has been accused of being unethical by reason of identifying himself as a professor of law at Loyola Law School, Los Angeles instead of "Lecturer in Law," the official title used for payroll classifications. The fact that Appellant is a member in good standing of the American Association of University Professors and the fact that all faculty members in institutions of higher learning are generally referred to as professors was ignored by the Nevada Supreme Court. (A6, "he was only a lecturer.")

The State Bar does not hesitate to resort to distortions. Although the official records of Loyola Law School show that 27 students started the admiralty law course taught by Appellant at Loyola and that all 27 finished the course, the Nevada Supreme Court sought to demean the capability of Appellant to teach admiralty law. Prior to teaching at Loyola, Appellant had taught admiralty law to lawyer groups in many cities throughout the United States and is the author of "Principles of Maritime Law", a book on the recommended list of the Association of American Law Schools since 1967. The Appendix contains a copy of a recent letter from Loyola Law School evidencing Appellant's teaching experience at Loyola and his listings in the law school catalog. (A15)

To illustrate the subservience of the Nevada Supreme Court to the State Bar of Nevada, there

is included in the Appendix (A15) the copy of a letter from the Chief Justice of that Court to the Chairman of the Board of Bar Examiners inquiring whether or not it would be "appropriate" to make a change in the Supreme Court rules. Never in the history of the United States Supreme Court has that Court ever written to the head of the American Bar Association inquiring whether or not it would be appropriate to make a change in the court rules. The United States Supreme Court has control over its rules of court but the Nevada Supreme Court has surrendered its control to the State Bar of Nevada.

As indicated in the case of Edwards v. California, 314 U.S. 160 (1940) a state's police power is not unlimited and a state may not interfere with interstate commerce by adopting laws or rules that interfere with the free movement of persons from one state to another, either for the purpose of commerce or for the purpose of finding employment. Mr. Justice Douglas, in concurring with the majority, added:

> "But I am of the opinion that the right of persons to move freely from State to State occupies a more protected position in our constitutional system than does the movement of cattle, steel, fruit and coal across state lines."(P. 177)

It is therefore clearly established that there is interstate commerce involved; that the exemption of the State from the Sherman Act is not applicable under circumstances such as in the case at bar and that both due process and equal protection under the law has been denied to Appellant.

While it is understood that lawyers have historically been officers of the courts, as so

well stated in Goldfarb, supra , a ruling that the rights of Appellant under the Constitution in the case at bar will not effect any diminution of the authority of the State of Nevada to regulate the legal profession.

But the States should know that a State law, whether the formal enactment of a State legislature or the adoption of a rule of the State Supreme Court that arbitrarily designates a private association to establish standards for law schools is an unlawful delegation of powers of the State; and that such a rule is especially unconstitutional if it interferes with interstate commerce so as to prevent lawyers from moving freely from state to state to earn a livelihood and being deprived of the opportunity to be examined as to their skills; and that a rule that tends to maintain high prices to the consumer for legal services by obstructing the entry of competent attorneys from other states on the pretense of protection of the public is anticompetitive and subject to censure as being contrary to the Sherman Act.

RELIEF REQUESTED

Appellant moves this Court to note jurisdiction of this appeal and upon such appeal and after argument and hearing declare that Supreme Court Rule of Nevada 51(4) is overbroad and contrary to the 14th Amendment relating to the due process and equal protection clauses and contrary to antitrust legislation.

Respectfully submitted,

Joseph M. Kadans
Appellant in pro se

INDEX

Page

Opinions below 2

Jurisdiction 2

Statutes Involved 4

Questions Presented 6

STATEMENT OF THE CASE

I The Questions Are Substantial... 6

A. The Issues as Defined by the Proceedings in the Nevada Supreme Court..... 6

B. The Legal and Factual Importance of the Constitutional Issues..... 11

Relief Requested..... 15

Supreme Court, U. S.
FILED
AUG 5 1977
MICHAEL RODAK, JR., CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

No. 77-2021

OCTOBER TERM, 1976

IN THE MATTER OF

JOSEPH M. KADANS

ON APPEAL FROM THE SUPREME COURT
OF THE STATE OF NEVADA

APPENDIX

Joseph M. Kadans
3419 Thom Blvd.
Las Vegas, Nev. 89106
Appellant in pro se

APPENDIX

IN THE
SUPREME COURT OF THE UNITED STATES

No.

OCTOBER TERM, 1976

IN THE MATTER OF

JOSEPH M. KADANS

ON APPEAL FROM THE SUPREME COURT
OF THE STATE OF NEVADA

IN THE SUPREME COURT
OF THE
STATE OF NEVADA

IN THE MATTER OF)
JOSEPH M. KADANS) No. 8738

FILED APRIL 8, 1977

Original petition for waiver of S.C.R. 51(4) and motion for order to show cause.

Petition denied; motion denied.

Joseph M. Kadans, in pro per,
Las Vegas,
for Petitioner.

Samuel S. Lionel, Las Vegas,
for Nevada Board of Bar
Examiners.

O P I N I O N

PER CURIAM:

Petitioner Kadans seeks a waiver of S. C. R. 51(4) contending that, while he does not have a law degree from an A. B. A. accredited school, he should nevertheless be permitted to sit for the Nevada Bar Examination because he is admitted to practice law in other jurisdictions, is a nationally recognized author and lecturer on law, and has an otherwise exceptionally meritorious legal background.[1] We disagee. Because petitioner has unsuccessfully challenged our bar application requirements on three separate occasions in the United States Supreme Court, we here endeavor to set forth all relevant facts concerning this matter in order that it may be finally settled.

On April 7, 1976, Mr. Kadans petitioned for a waiver of S. C. R. 51(4). On April 19, 1976, we directed the State Board of Bar Examiners to undertake a full inquiry and report concerning petitioner's personal and academic background. The Board's report reflects that it conducted hearings, and that petitioner represented himself, presented witnesses, and offered exhibits for the Board's consideration. While the Board's report indicates petitioner may be academically prepared for the practice of law,

at least marginally, it suggests that petitioner may not be morally suited to the practice of law, alluding to circumstances surrounding petitioner's operation of the "Church of Universology, Inc." and "Bernadean University," and to his published claims with respect to his academic credentials. The Board contends that S. C. R. 51(4) does not operate unfairly as to petitioner, and recommends that he not be permitted to sit for the Nevada Bar Examination.

1. Petitioner's operation of Bernadean University does, indeed, manifest a moral orientation that would be unacceptable in a legal practitioner.

The catalog for Bernadean University describes the school as a four-year senior university consisting of seven different colleges. It further describes the examinations, textbooks, classes, and advanced degree work available. Other brochures disseminated by petitioner describe the University as one including colleges of Health Sciences, Liberal Arts, Fine Arts, Law, Theology, Agriculture, and Police Sciences, and offering such diverse courses as church management, firearms, polygraph procedures, herbology, reflexology (foot massage techniques), dance therapy, acupuncture, traffic control, preparation of sermons, evidence, organic food growing, and police administration.

The University is, in fact, located in a small Las Vegas office; there are no classrooms or separate colleges. The "classes" are all offered through correspondence courses mailed to the students. Exams are open book

and submitted at the students' leisure. The extensive curriculum is "taught" and administered by petitioner and four "faculty members"; petitioner serves as Dean of Students, President of the University, and handles all affairs of the school; the four "faculty members" merely assist in grading student papers. The highest degree held by any of the "faculty members" is a high school diploma. It is clear to us that the University and petitioner are one and the same, and that the faculty, in fact, performs only administrative tasks. In addition, most texts used in the many diverse courses are prepared by petitioner by compiling materials from available sources and publishing them on copy machines. Petitioner claims he is qualified to author the texts because, as a lawyer, he has the necessary skills to master nearly any subject matter by obtaining sufficient available material and studying it.

On May 9, 1975, petitioner applied for a license to operate a private school, college, or university. The Nevada Commission on Postsecondary Institutional Authorization denied his application because, they concluded, the quality of instruction, school facilities, personnel, and financial stability were inadequate and, further, advertising by the University misrepresented the size of the institution, faculty, and instructional program.

In light of the foregoing, we agree with the Board's conclusion that petitioner's operation of the dubious Bernadean University and his misrepresentations concerning the nature of the University cast serious doubt upon petitioner's moral suitability to practice law in this state.

2. Petitioner's misleading claims regarding his academic credentials also manifest his moral unsuitability to practice law in this state. He professes to have earned degrees as Doctor of Philosophy, Doctor of Naturopathy, and Doctor of Theology while attending three separate universities. His Doctor of Philosophy degree was awarded by the International University in New Dehli, (sic) India, for writing a course on herbal studies. Petitioner utilizes this alleged degree to promote the sale of his book concerning the therapeutic properties of herbs, fruits, vegetables, nuts, and seeds. 2 Petitioner obtained his Doctor of Naturopathy degree from an affiliate of Bernadean University for submitting a written course on herbs. Again, petitioner uses this degree to promote the sale of his book concerning the use of herbs. 3 Petitioner's Doctor of Theology degree was awarded by Berean Christian College in Kansas, evidently in exchange for a degree from his own Bernadean University to the President of Berean Christian College. The record is barren of any proof which indicates Mr. Kadans ever attended or took any courses from any of these schools, yet he represents that he earned doctoral degrees from each of them.

Petitioner also claims to have served on the faculty of four universities, including the law faculty of Loyola University of Los Angeles. While it is true that he taught one summer course at Loyola, it should be noted that the Dean of the Law School stated that petitioner had been hired as a "lecturer" at a time when the University was in a turmoil and the customary background investigation had not been conducted with respect to petitioner's qualifications. The Dean further stated that forty out of

the fifty students enrolled in Mr. Kadans' course had expressed serious dissatisfaction with Mr. Kadans' teaching techniques and twenty students withdrew and the school had to refund their tuition. The Dean observed the course and concluded Mr. Kadans was not academically qualified to teach the course and stated he would strongly resist Mr. Kadans' appointment to any faculty of which he was a member. Petitioner has totally failed to offer any evidence either to the Board or this court substantiating his claim that he served on the faculty of other universities.

Petitioner further claims to have written and published numerous law books. However, none of those books has ever been published by a commercial law book company, but instead, are xerox copies "published by the Bernadean University Press in Las Vegas. We have reviewed petitioner's published law books and find them to be without value as legal material. They appear, instead, to be an incomplete compilation of materials from texts written by other authors.

In addition to the foregoing, we also express concern over petitioner's use of stationery suggesting that he is licensed to practice law in Nevada, when in fact he is not; stationery indicating that he maintained an office in Washington, D.C., when in fact he did not; and business cards stating that he was a Professor of Law at Loyola University, when in fact he was only a lecturer.

In 1943, petitioner received a law degree from the Eastern College of Commerce and Law (an unaccredited law school); 4 he has been admitted to practice and has apparently practiced

without distinction elsewhere; and he has convinced certain members of our Bar that he possesses basic legal research and briefing skills. At best, those facts establish only marginal academic credentials for the practice of law, while petitioner's business ethics are not remotely acceptable. The Board's conclusion that S.C.R. 51(4) does not operate unfairly as to petitioner is fully supported by the evidence, and we therefore deny his petition for waiver of that rule. We also deny petitioner's Motion for Order to Show Cause why he should not be admitted to the Nevada Bar without sitting for our Bar Examination.

(Batjer) signed _____, C.J.
Batjer

(Zenoff) signed _____, J.
Zenoff

(Mowbray) signed _____, J.
Mowbray

(Thompson) signed _____, J.
Thompson

(Gunderson) signed _____, J.
Gunderson

FOOTNOTES

1. Supreme Court Rule 51(4) provides in pertinent part: "An applicant for examination for a license to practice as an attorney and counselor at law in this state shall: " . . .

"4. Have received a degree of bachelor of laws, or an equivalent law degree, from a law school approved by the committee on legal education and admissions to the bar of the American Bar Association, and shall present evidence of the same . . . "

2. J. M. Kadans, Ph. D., Encyclopedia of Fruits, Vegetables, Nuts and Seeds for Healthful Living (1973).

3. J. M. Kadans, N. D., Ph. D., Modern Encyclopedia of Herbs with the Herbs-o-Matic Locator Index (1970).

4. According to petitioner, at some point in time he couldn't state with clarity, a successor institution, provisionally accredited in 1972, issued him another diploma without requiring further study.

IN THE SUPREME COURT
OF THE
STATE OF NEVADA

IN THE MATTER OF)
JOSEPH M. KADANS,) No. 8738

ORDER DENYING REHEARING

Rehearing denied.

It is so ORDERED.

FILED MAY 12, 1977

Batjer (signed) , C. J.
Batjer

Mowbray (signed) , J.
Mowbray

Thompson (signed) , J.
Thompson

Gunderson (signed) , J.
Gunderson

cc: Samuel S. Lionel, Esq.
Maurice J. Sullivan, Esq.
Joseph M. Kadans

IN THE SUPREME COURT
OF THE
STATE OF NEVADA

IN THE MATTER OF)
) No. 8738
JOSEPH M. KADANS) FILED JULY 5, 1977

NOTICE OF APPEAL
TO THE
SUPREME COURT OF THE UNITED STATES

1. Notice is hereby given that JOSEPH M. KADANS, Attorney At Law, acting on his own behalf and a member of the Bar of the Supreme Court of the United States, hereby appeals to the Supreme Court of the United States from the Opinion of the Supreme Court of the State of Nevada filed on April 8, 1977 and from the Order denying a rehearing filed on May 12, 1977.

2. The appeal is taken under the United States Code, Sec. 1257(2), there being drawn into question the validity of statutes of the State of Nevada considered to be repugnant to the Constitution and laws of the United States, the decision of the Supreme Court of the State of Nevada being in favor of the validity of the Nevada statutes.

(signed)
Joseph M. Kadans
Attorney At Law -
in pro per
3419 Thom Blvd.
Las Vegas, Nevada 89106

CERTIFICATE OF SERVICE

Copy of this Notice of Appeal mailed on July 1, 1977 to Samuel S. Lionel, Chairman, Board of Bar Examiners, Valley Bank Bldg., Las Vegas, Nevada 89101.

(signed)
Joseph M. Kadans
Member of the Bar of the U. S. Supreme Court

IN THE SUPREME COURT
OF THE
STATE OF NEVADA

IN THE MATTER OF)
) No. 8738
JOSEPH M. KADANS)

FILED JULY 14, 1977

REQUEST FOR CERTIFICATION OF RECORD

TO THE CLERK, SUPREME COURT,
STATE OF NEVADA:

In accordance with Rule 12(1) and (2) of the Supreme Court Rules (of the United States), this is a request by Appellant to certify the record and to provide for its transmission to the Clerk of the United States Supreme Court.

Appellant requests that all records considered by the Supreme Court of the State of Nevada in the rendering of its Opinion of April 8, 1977 as well as the Order Denying Rehearing of May 12, 1977 be certified and transmitted to the United States Supreme Court.

Joseph M. Kadans
Appellant - in pro per
3419 Thom Blvd.
Las Vegas, Nevada
89106

CERTIFICATE OF SERVICE

Copy of this request for certification and transmission of record mailed on July 11, 1977 to Samuel S. Lionel, Valley Bank Bldg., Las Vegas, Nev. 89101 with proper postage affixed.

Joseph M. Kadans
Member of the Bar of the U. S. Supreme Court

SUPREME COURT OF NEVADA
E. M. Gunderson, Chief Justice
Carson City, Nevada

April 1, 1976

Joseph M. Kadans
3519 Thom Boulevard
Las Vegas, Nevada 89106

Dear Mr. Kadans: Re: Supreme Court Rule 51(4)

Thank you for your letter of March 9, 1976. I am this date forwarding a copy thereof, and of enclosures that accompanied it, to Samuel S. Lionel, Esq. Chairman of the Board of Bar Examiners.

If you hereafter prepare and file a petition with this Court requesting waiver of S. C. R. 51(4), it is my intent to ask this Court to refer such petition to the Board of Bar Examiners for a full inquiry and report regarding your personal and academic background, and for the Board's recommendation on whether S. C. R. 51(4) operates unfairly in your case. If the Board's report and recommendation prove adverse to you, it is my expectation, based on discussion with other members of the Court, to afford an opportunity for argument to this Court regarding disputed legal and evidentiary matters, and regarding the Board's ultimate recommendation.

I expect to request the Board of Bar Examiners to go forward with the requested inquiry, with all deliberate speed. However, if the Board cannot finally conclude its inquiry prior to the 1976 Bar Examination in July, you should not anticipate that this Court will require the Board to administer a written examination to you before concluding its background inquiry, in the event the Board does not choose to do so. Therefore, this Court does not suggest that you request the United States Supreme Court to dismiss your current application to that court. Regarding such application, please govern yourself as you consider to be in your best interests.

Very truly yours,
(signed)
E. M. Gunderson

EMG:jb
cc:Samuel S. Lionel, Esq.
All Justices, William Richards, Esq.

IN THE SUPREME COURT
OF THE
STATE OF NEVADA

In the Matter of PETER HAWKE BURLEIGH to take the Nevada Bar Examination.	))))	No. 6874

ORDER ADMITTING PETITIONER
TO STATE BAR OF NEVADA

The petitioner, PETER HAWKE BURLEIGH, having heretofore petitioned this court to admit him to the practice of law in the State of Nevada; the Board of Bar Examiners having on September 25, 1972, advised the court that petitioner received a passing grade on the written examination held by saidBoard on July 26, 27, and 28, 1972; said Board of Bar Examiners through its chairman, Samuel S. Lionel, having advised the court on October 12, 1972, that the Board has now completed its investigation into petitioner's character and qualifications, and now has no objection to petitioner's admission as aforesaid; and it appearing to the court that petitioner is qualified to practice law and to perform the obligations and duties of a member of the State Bar of Nevada; it is by the court:

ORDERED, that petitioner, PETER HAWKE BURLEIGH, be, and he hereby is admitted to the practice of law, as a member of the State Bar of Nevada, with all privileges relating thereto, upon taking the Oath of Office and paying such fees as are required by law relative to such admission.

DATED and DONE this 13day of October, 1972.

Zen off (signed)

Batjer (signed)

Mowbray (signed)

Thompson (signed)

Gunderson (signed)

cc-Counsel of record.
Robert Herz, Executive Secretary,
State Bar of Nevada.

LOYOLA LAW SCHOOL
Office of the Registrar

July 20, 1977

Joseph M. Kadans
Dean
Institute of Advanced Law Study
3519 Thom Boulevard
Las Vegas, Nevada 89106

Dear Dean Kadans:

Enclosed please find the information you had requested from Loyola Law School.

The enrollment for your summer school course in 1969 was 27 students.

Best wishes in your future endeavors!

Respectfully,
(signed)
Ronald M. Slominski
Registrar
1440 West Ninth Street, Los Angeles, Cal. 90015
Telephone (213) 642-2905.

Admiralty
Sources and history; jurisdiction; carriage of goods by sea; charter parties; injury and death claims of seamen and other maritime workers; collision; salvage; limitation of liability.
Mr. Garbesi, Mr. Kadans
(From page 32 of law school catalog)

JOSEPH M. KADANS.. Lecturer in Law
B.A., Great Lakes College, 1958; LL. B. University of Baltimore, 1943; U. S. Interstate Commerce Commission, 1940-44; General law practice, 1945; Professor of Business Law, Great Lakes College, 1948-50; Professor of Law, Eastern College of Commerce and Law, 1958-60; Loyola University, 1969 - . (From page 10 of law school catalog.)

SUPREME COURT OF NEVADA
E. M. Gunderson, Chief Judge
Carson City, Nevada 89701

January 28, 1975

Samuel S. Lionel, Esq.
Lionel, Sawyer, Collins and Wartman
First National Bank Building
Third and Carson Streets
Las Vegas, Nevada 89101

Dear Mr. Lionel: Re: Joseph M. Kadans

I enclose herewith a letter from Joseph M. Kadans, dated January 28, 1975, together with material submitted with said letter to-wit: a list of "admiralty law lectures" which Mr. Kadans contemplated delivering, as Dean of the Institute of Advanced Law Study, and a personal resume.

You will notice that Mr. Kadans requests modification of SCR 72(5), which now relates to the members of the faculty and the dean of the National College of State Trial Judges. Mr. Kadans suggests that it would be appropriate to modify that rule to include "the Dean of the Institute of Advanced Law Study."

In your capacity as chairman of the Board of Bar Examiners, we should appreciate having you ascertain whether members of your Board, or the Board of Governors, deem this to be an appropriate request.

Very truly yours,

(signed)
E. M. Gunderson

EMG:jb
Enclosures (3)

cc-Joseph M. Kadans

BEST COPY AVAILABLE